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August 24, 2021

**VIA ECF:**

Honorable Ronnie Abrams  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Bassey B. Ndemeh v. Vincent Boudreau, et al.*  
Docket No. 20-cv-4492 (RA)

Your Honorable Judge Abrams,

Please accept this consent letter motion from the undersigned counsel to Plaintiff requesting a twelve (12) day extension of time, *nunc pro tunc*, from **August 13, 2021**, until **August 25, 2021**, to submit Plaintiff's response to the motion to dismiss the amended complaint filed by Defendants on April 16, 2021. (Doc. No. 27), a concomitant two (4) week extension of time for the submission of reply papers, if any, from **September 10, 2021**, until **October 8, 2021**, and the issuance of an order denying, as moot, the letter motion (Doc. No. 37) by Defendants requesting this Court to deem the motion to dismiss as unopposed.

I sincerely apologize and assume full responsibility for this oversight and delay in submitting Plaintiff's response, which was in no part caused by Plaintiff. It is respectfully submitted that this application has unfortunately been made necessary and unavoidable due to the unexpected resignation of the attorney assigned to handle the response at a most inconvenient time, when the only other federally admitted attorney was, and still is, away from the office on vacation, which remains severely backlogged due to several attorneys, including myself, contracting Covid-19, all within the last month, and being subject to the mandatory quarantine period thereafter, even after achieving a full recovery.

As a result of said difficulties, there was a miscommunication regarding the submission of Plaintiff's response. As such, I was under the mistaken impression that the response was timely submitted by August 13, 2021, as per the Court's most recent order (Doc. No. 36), dated August 2, 2021, and did not become aware of the default until the filing of Defendants' letter motion (Doc. No. 37) earlier today requesting their motion to dismiss be deemed unopposed by this Court .

This Court has granted three (3) extension requests from Plaintiff prior to the submission of the application herein, which is being submitted with the consent of Defendants.

Wherefore, it is respectfully requested that this Court issue an Order extending the time for Plaintiff to respond to Defendants' motion to dismiss the amended complaint, *nunc pro tunc*, from

until **August 13, 2021**, until **August 25, 2021**, granting Defendants a four (4) week extension of time to submit their reply, if any, from **September 10, 2021**, to **October 8, 2021**, and denying, as moot, the application submitted by Defendants requesting the Court deem their motion to dismiss as unopposed.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Samuel C. DePaola

Samuel C. DePaola, Esq.

*Attorney for Plaintiff*

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The application for a *nunc pro tunc* extension of time is granted. Plaintiff shall file its response to Defendants' motion to dismiss no later than August 26, 2021. Defendants may submit their reply, if any, by October 8, 2021. Accordingly, Defendants' application to deem the motion to dismiss as unopposed is denied at moot. Dkt. 37.

SO ORDERED.



Hon. Ronnie Abrams

08/25/21